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July 17, 2007

California Energy Commission  
Docket Unit, MS-4  
1516 Ninth Street  
Sacramento, CA 95814-5512

Re: Docket No. 01-AFC-7C

Dear Docket Unit:

Enclosed for filing with the California Energy Commission via electronic e-mail is one (1) original of the **Intervener's Prehearing Conference Testimonies of Carol Ford and David Stark, for the Russell City Energy Center(01-AFC-7C).**

The attached Proof of Service has been satisfied by e-mail to all parties.

Sincerely,

Paul N. Haavik

**Paul N. Haavik  
25087 Eden Avenue  
Hayward, CA 94545  
510-427-9057**

**State of California  
Energy Resources Conservation  
And Development Commission**

<b>In the matter of</b>	)	<b>Docket No. 01-AFC-7C</b>
	)	
	)	
<b>Russell City Energy Center</b>	)	
	)	<b>Intervener's Prehearing Conference Testimonies Of Carol Ford and David Stark</b>

**Paul N. Haavik, Intervener, in accordance with 20 CCR sub-section 1718.5 and the Committee Order dated June 28, 2007, hereby files the attached Prehearing Conference Testimony in the matter of the Russell City Energy Center. The intervener is prepared to proceed to the evidentiary hearing on all topic areas in the Staff Assessment Part 1 and 2.**

# **Air Quality-Fireplace Retro-Fit Program**

## **A. Introduction:**

Q1 Please state your name, address and your position.

A1 David Stark, Government Affairs Director, Bay East Association of Realtors, 7901 Stoneridge Dr. Suite 150, Pleasanton, CA 94588, 925-730-4068

Q2 What is the purpose of the Bay East Association of Realtors?

A2 Since 1947 the Bay East Association of REALTORS® has served real estate professionals in southern and eastern Alameda County. Our current membership of includes more than 6,000 REALTOR® and Affiliate members – many live and conduct business in the areas affected by the proposed power plants. One component of the Bay East mission statement is the preservation of real property rights. To that end, we monitor any issue that may impact the ability of any owner to fully enjoy their property and, in particular, government policies and programs that compel property owners to act in such a manner that will impact their property rights.

## **B. Qualifications:**

My personal qualifications include a Masters degree in City and Regional Planning from California Polytechnic University, San Luis Obispo and more than 15 years of professional experience in the housing and community development industry both in the public and private sectors. I am currently serving my second term as a member of the City of Pleasanton's Housing Commission and I also serve on the Board of Directors for the Pleasanton Gardens Senior Housing Development and the Tri-Valley Business Council.

## **C. Purpose:**

Q2 Please state the purpose of your testimony.

A2 The purpose of my testimony is to discuss a fireplace retrofit program that has been proposed as an environmental impact mitigation for the Russell and Eastshore Power Plants.

## **D. Recommendation**

Q3 What is your recommendation on this issue?

A3 The Bay East Association of REALTORS® does not have a recommendation on this issue for the simple reason that we have not been able to review the proposed retrofit program. During a public workshop held on July 11, the project sponsors indicated that a draft plan would be available on July 12. As mentioned, above we have

not been provided with this plan. In the interim, our concerns about this proposal include the following questions:

1. Who will implement and enforce the program?
2. How many properties will be affected by the program?
3. Will the proposed retrofit program be mandatory for homeowners?
4. How will property owners be notified about the program and its requirements?
5. What is the cost of retrofitting the fireplaces of the impacted properties?
6. Will property owners be reimbursed for the cost of the retrofits?
7. Who is qualified to perform the retrofit work and can it be completed by home owners?
8. What impact will the retrofit program have on property values?
9. How effective will a fireplace retrofit program in this area be in mitigating power plant environmental impacts?
10. Are there any examples of the successful implementation of similar programs?

## **Aviation**

### **A.Introduction**

Q1 Please state your name, address and your position.

A1 Carol Ford, 360 Bowsprit Dr., Redwood Shores, CA 94065,  
President of Ford Aviation Consultants,  
A consulting firm that consults with Airports on a variety of airport topics such as:  
Grant applications  
Passenger facility charges

Q2 Please state your qualifications

A2 Private Pilot, rated for single engine,  
President of San Carlos Airport Pilots Association,  
Vice President of Region III California Pilots Association,  
Airport Support Network Volunteer for Aircraft Owners and Pilots Association  
(AOPA) that has over 400,000 members.

### **B. Purpose**

Q3 Please state the purpose of your testimony.

A3 The purpose of my testimony is to demonstrate that 1. Student pilot, general mix of aviation aircraft and how the airspace is used. Aviation pilots become distracted with more obstacles in close proximity to the airport. Either or both power plants will reduce the amount usable airspace for the Hayward Airport.

### **C. Recommendation**

Q4 What is your recommendation on this issue?

A4 We ask the commission to evaluate the useable airspace used by the mix of general aviation aircraft for air traffic separation, consider the safety of general and students of general aviation and the safety of the airport.

### **D. Flying Through the Proposed Russell Energy and Eastshore Power Plant Airspace**

Q5 Have you flown through the airspace of the proposed Power Plant sites and would you describe what you observed.

A5 Yes. Due to safety reasons I flew in the right seat of a Cessna 172 as a passenger as a safety precaution, so I could observe the proposed locations. Otherwise, I would be too distracted with my piloting responsibilities and observations.

Q6 When did you fly through the Hayward Airspace?

A6 I flew through the airspace at 1:00pm on 07/17/07.

Q7 What prompted your flight?

A7 I was asked by Andy Wilson, a pilot and colleague of Paul Haavik, Intervener in this matter, to take a flight after they had spoken to me about the various issues regarding the Staff Assessment. I was able to arrange a flight with a friend that owned the Cessna 172.

Q8 How would you describe the air space of the Hayward Airport.

A8 The Hayward Airport is a very complicated airspace with both FAA controlled tower operations and non-controlled tower operations and a general aviation mix of aircraft. This would include, but not limited to single engine fixed wing aircraft, small business jets, and helicopters. All aircraft are of a mix of faster and slower capabilities. Each aircraft requires varying degrees of flight experience.

The airspace at the Hayward Airport is limited, due to existing obstacles and a very complicated aircraft noise abatement program which includes radar tracking and noise sensors to monitor aircraft for fines. This makes maneuvering and spacing extremely difficult. This would be during control tower operations as well as non-control tower operations. During non-control tower operations, it is necessary to communicate with other aircraft. In addition, from time to time it is necessary to perform special requests by the control tower such as extended down wind lengths and/or special maneuvers to maintain separation.

My flight on 07/17/07 was on a clear day. The flight consisted of a take-off, left turn over the proposed RCEC site and return to the Hayward Executive Airport(HEA) with a declared low approach and then proceeded to fly over the Eastshore site and then returned to HEA with another low approach. I then flew between the sites at an altitude of approximately 600 feet AGL and returned to the HEA.

It is my opinion that the airspace was very complicated and congested. If the proposed sites were developed, the airspace would be further compromised and possibly create a danger to airman.